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Paper No. 8

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MAILED

DEC 20 2000

Technology Center 2100

In re Application of: David A. Farber et al.
Application No. 09/612,598
Filed: July 7, 2000
For: OPTIMIZED NETWORK
RESOURCE LOCATION

**DECISION ON PETITION
TO MAKE SPECIAL**

This is a decision on the papers filed October 4, 2000, November 7, 2000 and December 14, 2000. The paper filed October 4 included a request for interference and a request for advancement of examination. The paper filed November 7 was a petition to make special under 37 C.F.R. §1.102(d) referencing the paper of October 4. The paper filed December 14, 2000 presents revised counts. These papers will be considered together, effectively, as a petition to make the above-identified application special.

37 C.F.R. § 1.607 states in part that when "an applicant seeks an interference with a patent, examination of the application, including any appeal to the Board, shall be conducted with special dispatch". 37 C.F.R. § 1.102(d) states that a "petition to make an application special on grounds other than those referred to in paragraph (c) of this section must be accompanied by the petition fee set forth in § 1.17(i)". Thus, a grantable petition must be accompanied by payment of the fee under 37 C.F.R. §1.17(i) and a statement by applicant under 37 C.F.R. § 1.607 seeking to have an interference declared between an application and an unexpired patent that identifies the patent, presents a proposed count, identifies at least one claim in the patent corresponding to the proposed count, presents at least one claim corresponding to the proposed count or identifying at least one claim already pending in its application that corresponds to the proposed count, and, if any claim of the patent or application identified as corresponding to the proposed count does not correspond exactly to the proposed count, explaining why each such claim corresponds to the proposed count, and applying the terms of any application claim identified as corresponding to the count and not previously in the application to the disclosure of the application and further explains how the requirements of 35 U.S.C. 135(b) are met, if the claim



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On Petition

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presented or identified was not present in the application until more than one year after the issue date of the patent.

Applicant's submissions meet all the criteria set out above. Accordingly, the petition is GRANTED.

The application is being forwarded to the examiner for expedited prosecution.

A handwritten signature in cursive script, appearing to read "Robert A. Weinhardt", written over a horizontal line.

Robert A. Weinhardt
Special Program Examiner
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